

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 20, 2003

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JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 20, 2003

The Senate met in regular session at 8:33 a.m., President Kramer presiding.

Prayer was offered by the Reverend Doug Helon, pastor of the Calvary Baptist Church in St. Charles, Iowa. He was the guest of Senators Iverson and Shull.

The Journal of Wednesday, February 19, 2003, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 19, 2003, **passed** the following bills in which the concurrence of the Senate is asked:

House File 85, a bill for an act relating to tip-up fishing in the waters of the Missouri and Big Sioux rivers and subjecting violators to an existing penalty.

Read first time and referred to committee on **Natural Resources and Environment**.

House File 170, a bill for an act relating to the criminal offense of identity theft by making changes in the elements of the offense.

Read first time and referred to committee on **Judiciary**.

House File 171, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **Judiciary**.

House File 180, a bill for an act relating to character education and service learning in Iowa's elementary and secondary schools.

Read first time and referred to committee on **Education**.

ADJOURNMENT

On motion of Senator Boettger, the Senate adjourned at 8:40 a.m. until 1:00 p.m. Monday, February 24, 2003.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Caroline Lingenfelter, Denmark — For celebrating your 100th birthday on February 25, 2003. Senator Fraise (2/20/03).

Norwalk Community Schools, Norwalk — For being selected as having exemplary entries using technology in the statewide showcase on educational technology projects. Senator Shull (2/20/03).

Leon and Joyce Sheldon, Webster City — For celebrating your 60th wedding anniversary on February 20, 2003. Senator Iverson (2/20/03).

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: February 19, 2003, 3:05 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

Members Absent: None.

Committee Business: Discussion regarding the Public Strategies Group.

Adjourned: 4:10 p.m.

WAYS AND MEANS

Convened: February 19, 2003, 2:05 p.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolcom, Ranking Member; Angelo, Connolly, Dotzler, Hosch, Lamberti, Larson, McCoy, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, and Stewart.

Members Absent: None.

Committee Business: Approved Governor's appointees and presentation on the Iowa Taxpayer Simplification Act.

Adjourned: 2:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 19, 2003, 3:15 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom and Veenstra.

Members Absent: None.

Committee Business: Presentation by Department of Elder Affairs.

Adjourned: 4:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 19, 2003, 3:10 p.m.

Members Present: Miller, Chair; Angelo, Vice Chair; Fraise, Ranking Member; Hosch and Kreiman.

Members Absent: None.

Committee Business: Presentation by Department of Public Safety.

Adjourned: 3:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 19, 2003, 3:05 p.m.

Members Present: McKibben, Chair; Warnstadt, Ranking Member; Beall and Kettering.

Members Absent: Lamberti, Vice Chair (excused).

Committee Business: Presentations by representatives of the Board of Regents institutions.

Adjourned: 4:15 p.m.

COMMERCE

Convened: February 20, 2003, 11:25 a.m.

Members Present: Angelo, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Behn, Bolkcom, Brunkhorst, Gronstal, Kettering, Larson, McCoy, Redfern, Schuerer, Sievers, and Stewart.

Members Absent: None.

Committee Business: Subcommittees assignment and approved SSBs 1007 and 1019.

Adjourned: 11:35 a.m.

JUDICIARY

Convened: February 20, 2003, 11:35 a.m.

Members Present: Redfern, Chair; Larson, Vice Chair; Kreiman, Ranking Member; Boettger, Fraise, Holveck, Horn, Kettering, Lamberti, McCoy, Miller, Putney, Quirnbach, and Tinsman.

Members Absent: McKibben (excused).

Committee Business: Subcommittee assignments. Approved [SSB 1027](#) (as amended) and approved Governor's appointee.

Adjourned: 12:05 p.m.

STATE GOVERNMENT

Convened: February 20, 2003, 10:30 a.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Connolly, Courtney, Dearden, Drake, Johnson, Lamberti, Ragan, Schuerer, Shull, Tinsman, and Veenstra.

Members Absent: None.

Committee Business: Presentation regarding IPERS.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 20, 2003, 3:05 p.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Rehberg and Stewart.

Members Absent: Holveck, Ranking Member (excused).

Committee Business: Presentations by Treasurer of State's Office, Department of Management, and Department of Commerce.

Adjourned: 3:30 p.m.

INTRODUCTION OF RESOLUTIONS

[Senate Resolution 14](#), by Kramer, Angelo, Beall, Behn, Black, Boettger, Bolkcom, Brunkhorst, Connolly, Courtney, Dearden, Dotzler, Drake, Dvorsky, Fraise, Gaskill, Gronstal, Hatch, Holveck, Horn, Hosch, Houser, Iverson, Johnson, Kettering, Kibbie, Kreiman, Lamberti, Larson, Lundby, McCoy, McKibben, McKinley, Miller,

Putney, Quirnbach, Ragan, Redfern, Rehberg, Schuerer, Seng, Seymour, Shull, Sievers, Stewart, Tinsman, Veenstra, Warnstadt, Wieck, and Zieman, a resolution honoring Iowa State University student-athlete Jack Trice during Black History Month.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

[Senate Resolution 15](#), by Iverson, Redfern, Kramer, Angelo, Behn, Hosch, Tinsman, Veenstra, Miller, Zieman, Seymour, Wieck, Lundby, Larson, Houser, Boettger, Shull, Drake, Schuerer, McKinley, Johnson, Putney, Brunkhorst, Lamberti, Kettering, Gaskill, Rehberg, McKibben, and Sievers, a resolution to support the efforts of President George W. Bush and the United States Armed Forces to disarm Iraq.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

[Senate File 174](#), by Lundby, a bill for an act relating to health facility staffing, and providing civil penalties.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 175](#), by Bolkcom, a bill for an act relating to the collection and maintenance of obesity-related data by the Iowa department of public health and participating elementary and secondary schools.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 176](#), by Black, a bill for an act relating to property taxes levied by a township for improvement and maintenance of certain cemeteries.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 177](#), by Schuerer, a bill for an act relating to inspection fees pursuant to city housing codes.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 178](#), by Schuerer, a bill for an act repealing the linked investments for tomorrow Act.

Read first time under Rule 28 and referred to committee on **Economic Growth**.

[Senate File 179](#), by Schuerer, Boettger, Sievers, Behn, Veenstra, Gaskill, Angelo, Rehberg, Zieman, and Houser, a bill for an act creating a super ethanol-powered motor vehicle purchase tax credit for individual taxpayers, and providing a retroactive applicability date.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 180](#), by committee on Commerce, a bill for an act relating to the procedures for handling abandoned property and property presumed to be abandoned.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 181](#), by Schuerer and Kreiman, a bill for an act authorizing the department of human services to disclose information regarding the presence of a perpetrator of certain sexual offenses or sexual abuse in the client's home.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 182](#), by Kreiman, a bill for an act relating to the calculation of employers' contributions to the unemployment compensation fund.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations**.

[Senate File 183](#), by Kreiman, a bill for an act relating to notice regarding the use of geothermal energy in development plans for undeveloped land.

Read first time under Rule 28 and referred to committee on **Commerce**.

[Senate File 184](#), by Dvorsky, a bill for an act relating to rules and standards for hazardous chemical management practices adopted and administered by the state fire marshal and to school requirements regarding hazardous waste management.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 185](#), by committee on Judiciary, a bill for an act relating to criminal law and procedure, including the criminal offenses of arson, communications by an arrested person, and harassment.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 186](#), by committee on Commerce, a bill for an act eliminating certain public disclosure requirements by state banks.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 187](#), by Rehberg and Zieman, a bill for an act relating to operation permits for public disposal systems and providing an effective date.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

STUDY BILLS RECEIVED

[SSB 1093](#) **Education**

Relating to the establishment of a school infrastructure financing program by providing for a local option school infrastructure sales tax and providing for the use of the revenues from the local option tax for

school infrastructure or property tax relief purposes and including an effective date.

SSB 1094 Commerce

Relating to insurance, including various filing and information privacy requirements throughout the insurance code, calculation of assessments by the Iowa individual health benefit reinsurance association, payment of certain insurance fees, certain self-funded insurance plans by school corporations or political subdivisions, designation of the commissioner of insurance as process agent for various entities conducting insurance business in this state, cancellation of insurance, beneficial stock ownership filings, funding agreements, creating an insurable interest in active or retired employee lives for the benefit of an employer, providing for an interstate insurance product regulation compact, and providing for retroactive applicability and an effective date.

SSB 1095 Commerce

Relating to the time periods that unclaimed demutualization proceeds and wages are presumed to be abandoned and providing an effective date.

SSB 1096 Judiciary

Creating the criminal offense of intellectual property counterfeiting, and providing a penalty.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 14

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate File 168

APPROPRIATIONS: Lamberti, Chair; Connolly and Kramer

Senate File 169

EDUCATION: Angelo, Chair; Beall and Larson

[Senate File 170](#)

APPROPRIATIONS: McKinley, Chair; Hatch and Lamberti

[House File 175](#)

EDUCATION: Beall, Chair; Behn and Boettger

[House File 180](#)

EDUCATION: Brunkhorst, Chair; Dvorsky and McKinley

[SSB 1038](#)

(Reassignment)

STATE GOVERNMENT: Lamberti, Chair; Connolly and Shull

[SSB 1093](#)

EDUCATION: Angelo, Chair; Boettger and Connolly

[SSB 1094](#)

COMMERCE: Wieck, Chair; Angelo and McCoy

[SSB 1095](#)

COMMERCE: Wieck, Chair; McCoy and Redfern

[SSB 1096](#)

JUDICIARY: Lamberti, Chair; Holveck and Miller

COMMITTEE REPORTS

COMMERCE

Final Bill Action: [SENATE FILE 180 \(SSB 1019\)](#), a bill for an act relating to the procedures for handling abandoned property and property presumed to be abandoned.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Angelo, Wieck, Warnstadt, Beall, Behn, Bolkom, Brunkhorst, Gronstal, Kettering, Larson, McCoy, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE FILE 186 \(SSB 1007\)](#), a bill for an act eliminating certain public disclosure requirements by state banks.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Angelo, Wieck, Warnstadt, Beall, Behn, Bolkcom, Brunkhorst, Gronstal, Kettering, Larson, McCoy, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: [SENATE FILE 185 \(SSB 1027\)](#), a bill for an act relating to criminal law and procedure, including the criminal offenses of arson, communications by an arrested person, and harassment.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Redfern, Larson, Kreiman, Boettger, Fraise, Holveck, Horn, Kettering, Lamberti, McCoy, Miller, Putney, Quirnbach, and Tinsman. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**GOVERNOR'S APPOINTEE PLACED ON
EN BLOC CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

JUDICIARY

Barbara Binnie – Board of Parole

AMENDMENT FILED

[S-3016](#) [S.F. 155](#) Keith Kreiman
Steve Kettering